

OPTIONAL FORM 98 (7-80)

## FAX TRANSMITTAL

# of pages = 13

To <b>Tom Turner</b>	From <b>KEITH SWEAT</b>
Dept./Agency	Phone # <b>815-987-4444</b>
Fax # <b>312-886-0747</b>	Fax #

NSN 7540-01-317-7368

5099-101

GENERAL SERVICES ADMINISTRATION



155323

DOCKETED

OCT - 1 2001

DISTRICT OF COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

UNITED STATES OF AMERICA and  
PEOPLE OF THE STATE OF ILLINOIS,

Plaintiffs,

v.

CITY OF ROCKFORD, ILLINOIS,

Defendant.

CIVIL ACTION NO. 98CS0026

U.S. DISTRICT COURT

OCT - 1 AM 10:36

FILED 70

## ORDER

The Court having considered the Motion of the United States for entry of a Second Amendment to the Consent Decree, adding eleven Covenant Beneficiaries to the settlement in this matter pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9601 et seq., and being duly advised in the premises, it is hereby,

**ORDERED** that the Second Amendment to the Consent Decree, lodged with the Court on July 11, 2001, be and is hereby entered as a judgment of the Court.

SO ORDERED THIS 26<sup>th</sup> DAY OF Sep., 2001.

*Philip G. Reinhard*  
Philip G. Reinhard  
United States District Judge  
Northern District of Illinois  
Western Division

U.S. DISTRICT COURT	
By <i>Julia Mitchell</i>	DEPUTY CLERK
U. S. DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS	
DATE: <u>10/17/01</u>	

<input checked="" type="checkbox"/>	Docketing to mail notices.
<input type="checkbox"/>	Mail AO 450 form.
<input type="checkbox"/>	Copy to judge/magistrate judge.

smw	courtroom deputy's initials
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U.S. DISTRICT COURT  
CLERK  
OCT - 1 AM 10:36  
FILED 70

Date/time received in  
central Clerk's Office

docketing deputy initials	<i>[Signature]</i>
date mailed notice	
mailing deputy initials	

**DOCKETED**

**OCT - 1 2001**

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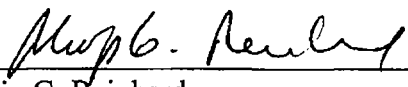
FILED-ND

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**SO ORDERED THIS** 26<sup>th</sup> **DAY OF** Sep., 2001.

  
Philip G. Reinhard  
United States District Judge  
Northern District of Illinois  
Western Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

RECEIVED

JUL 11 2001

UNITED STATES OF AMERICA and )  
PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
Plaintiffs, )  
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v. )  
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CITY OF ROCKFORD, ILLINOIS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

MICHAEL W. DOBBINS  
CLERK, U. S. DISTRICT COURT

CIVIL NO. 98C50026

SECOND AMENDMENT TO CONSENT DECREE

WHEREAS, this Court entered a Consent Decree on or about April 9, 1998, between the United States on behalf of the United States Environmental Protection Agency ("U.S. EPA"), the People of the State of Illinois on behalf of the Illinois Environmental Protection Agency ("Illinois EPA"), and the City of Rockford, Illinois ("City");

WHEREAS, this Court entered an Amended Consent Decree in this civil action on January 13, 1999;

WHEREAS, the Amended Consent Decree applies to and is binding upon the City and, as indicated in the Amended Consent Decree, the Covenant Beneficiaries listed in Appendix C of that document;

WHEREAS, the subject of the Consent Decree and the Amended Consent Decree pertains to the Southeast Rockford Site ("Site") which is the area in Rockford, Illinois, depicted on the map identified as Appendix A to the Amended Consent Decree, provided,

however, that the Site does not include the Interstate Pollution Control Site, which is depicted on the Map identified as Appendix E to the Amended Consent Decree;

WHEREAS, on November 3, 2000, the City proposed that 11 additional Covenant Beneficiaries ("Added Covenant Beneficiaries"), who have paid or will pay an additional \$142,001.59 to the City to be paid to Plaintiffs, be added to the Amended Consent Decree in order to participate as Covenant Beneficiaries as provided in the Amended Consent Decree;

WHEREAS, the United States, the People of the State of Illinois (the "State"), and the City (the "Parties") have reached an agreement to modify the Amended Consent Decree for the purpose of adding these 11 Covenant Beneficiaries upon the payment of certain monies and execution and transmittal of Covenant Beneficiary Forms;

NOW THEREFORE, in order to accommodate the Added Covenant Beneficiaries, the Parties agree to this Second Amendment to the Consent Decree, as contemplated in Section XIII (Retention of Jurisdiction), of the Amended Consent Decree as follows:

A. Appendix C, Covenant Beneficiaries, of the Amended Consent Decree in this civil action, entered by the Court on January 13 , 1999, is modified to include the parties listed in Exhibit A-1 to this Second Amendment to the Consent Decree as Added Covenant Beneficiaries. These Added Covenant Beneficiaries

have contributed or will contribute amounts to the City, have executed or will execute Covenant Beneficiary Election Forms, and will provide an original copy to the United States Department of Justice and a copy to the City and the State at the addresses specified in Section XI (Notices and Submissions) of the Amended Consent Decree and at such time shall be participants in the benefits and burdens of the Amended Consent Decree as provided in the Covenant Beneficiary Election Form and the Amended Consent Decree, including, without limitation, Sections VIII, IX, and X of the Amended Consent Decree.

B. Section VII (Payments), Paragraph 8 shall be modified to add subparagraph e. as follows:

8. e. In addition to the requirements and schedule contained in Paragraph 8 of the Amended Consent Decree entered prior to this Second Amendment to Consent Decree, the City shall within 30 days of the effective date of this Second Amendment to the Consent Decree pay a total of \$142,001.59 that it has received from the Covenant Beneficiaries as follows:

- (i) \$90,327.21 to the U.S. EPA in reimbursement of Past Response Costs. Payment shall be made to the U.S. EPA Hazardous Substances Superfund by FedWire Electronic Funds Transfer ("EFT" or wire transfer) to the U.S. Department of Justice account in accordance with current electronic funds transfer

procedures, referencing U.S.A.O. file number 94CV9413, the U.S. EPA Region and Site/Spill ID #05DK, and DOJ case number 90-11-3-945. Payment shall be made in accordance with instructions provided to the City by the Financial Litigation Unit of the United States Attorney's Office for the Northern District of Illinois. The City shall also send notice that such payment has been made to the United States and the State as specified in Section XI (Notices and Submissions) of the Amended Consent Decree;

- (ii) \$2,044.82 to the State of Illinois in the form of a certified check or checks made payable to the Illinois Environmental Protection Agency, designated to the Hazardous Waste Fund, and submitted to Illinois Environmental Protection Agency, Fiscal Services Section, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, IL 62702. The name and number of this case and the City's Federal Employer Identification Number shall appear on the face of the check. The City shall also send a copy of the check and transmittal letter to the State as specified in Section XI (Notices and Submissions) of the

Amended Consent Decree;

(iii) \$49,629.56 to the U.S. EPA to be deposited in the Southeast Rockford Site Area 7 Special Account within the U.S. EPA Hazardous Substance Superfund and shall be retained and used by U.S. EPA, or by the Illinois EPA, pursuant to a cooperative agreement with U.S. EPA, to conduct or finance any response actions pursuant to CERCLA with respect to hazardous substances released at Area 7 of the Site. Any balance remaining in the Southeast Rockford Site Area 7 Special Account at the time of certification of completion of the work for Area 7 of the Site shall be transferred by U.S. EPA to the Hazardous Substance Superfund. Payment and notice shall be made as provided in Paragraph 8.e.i, above.

C. The effective date of this Second Amendment to the Consent Decree shall be the date upon which this Second Amendment to the Consent Decree is granted and entered by the Court.

D. All other provisions of the Amended Consent Decree, to the extent not modified by this Second Amendment to the Consent Decree, remain in full force and effect, and shall apply, as appropriate to the Parties, the Covenant Beneficiaries and the Added Covenant Beneficiaries.

E. Each undersigned representative of a party to the Second Amendment to the Consent Decree: the City, the Chief, Environmental Enforcement Section of the Environment and Natural Resources Division of the United States Department of Justice, the Attorney General of the State of Illinois, and the Chief Legal Counsel of the Illinois EPA, certifies that he or she is fully authorized to enter into the terms and conditions of this Second Amendment to the Consent Decree and to execute and legally bind such Party to this document.

F. This Second Amendment to the Consent Decree shall be lodged with the Court for a period of not less than 30 days for public notice and comment in accordance with Section 122(d)(2) of CERCLA, 42 U.S.C. § 9622(d)(2). The United States reserves the right to withdraw or withhold its consent if the comments regarding the Second Amendment to the Consent Decree disclose facts or considerations which indicate that the Second Amendment to the Consent Decree is inappropriate, improper, or inadequate. The City and Added Covenant Beneficiaries consent to the entry of the Second Amendment to the Consent Decree without further notice.


THE UNDERSIGNED PARTIES enter into this Second Amendment to Amended Consent Decree in the matter of United States and the People of the State of Illinois v. The City of Rockford, Illinois (Civil Action No. 98C50026), relating to the Southeast Rockford

Groundwater Superfund Site described herein.

FOR THE UNITED STATES OF AMERICA


DATE:

2/7/01

  
BRUCE S. GELBER  
Chief, Environmental Enforcement  
Section  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C. 20530


DATE:

7/7/01

  
MARY REED  
FRANCIS J. BIDOS  
Trial Attorneys  
Environment and Natural Resources  
Division  
U.S. Department of Justice  
P.O. Box 7611, Ben Franklin Station  
Washington, D.C. 20044  
(202) 514-2580

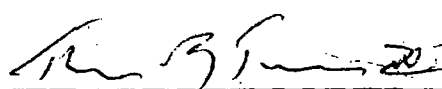
DATE:

12/4/00

  
WILLIAM E. MUNO  
Director, Superfund Division  
Region V  
U.S. Environmental Protection Agency  
77 West Jackson Blvd.  
Chicago, IL 60604

DATE:

11-28-00

  
THOMAS TURNER  
Associate Regional Counsel  
Office of Regional Counsel, Region V  
U.S. Environmental Protection Agency  
77 West Jackson Blvd. (C-14J)  
Chicago, IL 60604-3590

THE UNDERSIGNED PARTIES enter into this Amendment to Consent Decree in the matter of United States of America and the People of the State of Illinois v. The City of Rockford, Illinois (Civil Action No. 98C50026), relating to the Southeast Rockford Groundwater Superfund Site, described herein.

APPROVED FOR THE STATE OF ILLINOIS


PEOPLE OF THE STATE OF ILLINOIS,  
*ex. rel.* JAMES E. RYAN,  
Attorney General of the State of Illinois

MATTHEW J. DUNN, Chief  
Environmental Enforcement/  
Asbestos Litigation Division

DATE:

1/11/01

By:

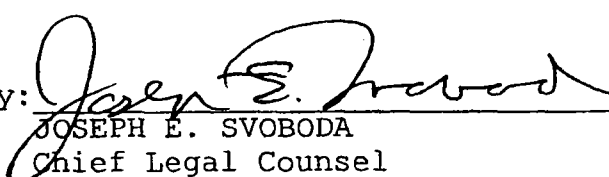
  
ROSEMARIE CAZEAU, Chief  
Environmental Bureau  
Assistant Attorney General

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DATE:

1/9/01

By:

  
JOSEPH E. SVOBODA  
Chief Legal Counsel

THE UNDERSIGNED PARTY enters into this Amendment to Consent Decree in the matter of United States of America and the People of the State of Illinois v. The City of Rockford, Illinois (Civil Action No. 98C50026), relating to the Southeast Rockford Groundwater Superfund Site, described herein.

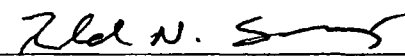
FOR THE CITY OF ROCKFORD

Date: 11/21/00



CHARLES E. BOX  
Mayor  
425 E. State Street  
Rockford, IL 61104

Attest:

  
RONALD N. SCHULTZ  
Legal Director

Agent Authorized to Accept Service on Behalf of Above Signed Party:

Ronald N. Schultz  
Legal Director  
425 E. State Street  
Rockford, IL 61104  
(815) 987-5551

SOUTHEAST ROCKFORD GROUNDWATER SF SITE - "EXHIBIT A-1"  
SECOND AMENDMENT TO CD #98C50026

Name	Mailing Address	Tax Code #	Acres	Assessed Value	9% of Value
Aramark Uniform Services	1827 Walden Office Square Ste. 200, Schaumburg, IL 60173	215B-534A	3.09	\$304,939.00	\$27,444.51
Bank of America, Trustee for ICO Continental	9800 Balmoral Ave., Rosemont, IL 60018-5236	256B-039	3.00	\$247,021.00	\$22,231.89
Jay Muntz/ Charles Muntz	108 Lakeshore Dr Apt. 1841, North Palm Beach, FL 33408-3688	215D-404	0.66	\$63,143.00	\$5,682.87
		215D-405	1.57	\$60,761.00	\$5,468.49
Kelley Williamson	c/o: Attorney Russell Anderson, P.O. Box 219 Rockford, IL 61105	215D-411A	0.43	\$32,668.00	\$2,940.12
Rock River Valley Industrial Park	500 S. Independence Ave., Rockford, IL 61102-1981	214D-503D	24.19	\$333,539.00	\$30,018.51
		215C-184	2.84	\$15,525.00	\$1,397.25
		215C-187D	9.79	\$37,636.00	\$3,387.24

Forging & Stamping, Inc.	c/o: Attorney James W. Keeling, Hinshaw & Culbertson, P.O.Box1389 Rockford, IL 61105-1389	215D-407B	0.32	\$2,635.00	\$237.15
		215D-403B	0.37	\$8,931.00	\$803.79
		215D-402	0.98	\$119,197.00	\$10,727.73
SGK Investments (Kathleen & Gary Hollonbeck)	708 Coolidge Place, Rockford, IL 61107	216A-253	0.19	\$2,185	\$196.65
Builders Plumbing & Heating Supply Co., 4657 Stenstrom Rd.	Harvey Kogan, 133 S. Rohlwing Rd., Addison, IL 60101	257D-212	0.93	\$143,357.00	\$12,902.13
Wings & Wheels, Inc., formerly Rockford Hardware Manufacturing	c/o: BAC, Inc., Lincoln Center, Suite 390, Oakbrook Terrace, IL 60181	216D-048A	1.36	\$107,959	\$9,716.31
Helen M. Pekarsky	1931 N. Church, Rockford, IL 61103	215C-565C	4.84	\$44,188.00	\$4,000

Viking Distributors (in Joint Tenancy: Dave C. and Sheila M. Lozzio)	202 Hill Street, Rockford, IL 61107	216C-716 216C-716A	3.32 0.52	\$53,855 (total)	\$4,846.95
TOTALS					\$142,001.59